

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BRIAN TIMOTHY BRANTLEY,

Plaintiff,

v.

Case No: 2:12-cv-361-FtM-38UAM

KATHERINE L. MYRICK,

Defendant.

ORDER

This matter comes before the Court upon periodic review. On May 22, 2013, Plaintiff was directed to show cause (Doc. # 26) on or before June 4, 2013, indicating why this case should not be dismissed pursuant to Local Rule 3.10 for lack of prosecution due to the failure to file a Case Management Report within the time prescribed by Local Rule 3.05(c)(2)(B). Local Rule 3.10(a) provides that “[w]henver it appears that any case is not being diligently prosecuted the Court may, on motion of any party or on its own motion, enter an order to show cause why the case should not be dismissed, and if no satisfactory cause is shown, the case may be dismissed by the Court for want of prosecution.”

Here, Plaintiff has failed to respond to the Court’s show cause Order, which suggests a lack of interest in participating in the prosecution of his claim. However, as recently as March 20, 2013, Plaintiff filed a Motion for the entry of a default against Defendant Brian Timothy Brantley, which was denied on May 22, 2013 (Doc. #25). In light of this activity, the Court will provide Plaintiff one final opportunity to **show cause by June 30, 2013** indicating why this case should not be **dismissed** for lack of

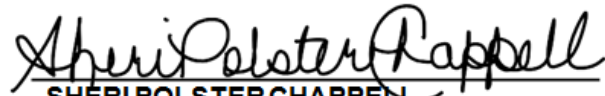
prosecution due to the failure to file a Case Management Report within the time prescribed by Local Rule 3.05(c)(2)(B).

Accordingly, it is now

ORDERED:

The Plaintiff shall have up to and including **June 30, 2013** to respond to the Order to Show Cause. Failure to respond will result in the dismissal of this action without further notice.

DONE and **ORDERED** in Fort Myers, Florida this 11th day of June, 2013.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record